

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. REPORT ON CYBERSECURITY CERTIFICATIONS AND LABELING.

Not later than October 1, 2022, the National Cyber Director, in consultation with the Director of the National Institute of Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) identifies and assesses existing efforts by the Federal Government to create, administer, or otherwise support the use of certifications or labels to communicate the security or security characteristics of information technology or operational technology products and services; and

(2) assesses the viability of and need for a new program at the Department of Homeland Security, or at other Federal agencies as appropriate, to better address information technology and operational technology product and service security certification and labeling efforts across the Federal Government and between the Federal Government and the private sector.

SA 4663. Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

Subtitle —Arbitration Rights of Members of the Armed Forces and Veterans

SEC. 6. SHORT TITLE.

This subtitle may be cited as the “Justice for Servicemembers Act of 2021”.

SEC. 6. PURPOSES.

The purposes of this subtitle are—

(1) to prohibit predispute arbitration agreements that force arbitration of disputes arising from claims brought under chapter 43 of title 38, United States Code, or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.); and

(2) to prohibit agreements and practices that interfere with the right of persons to participate in a joint, class, or collective action related to disputes arising from claims brought under the provisions of the laws described in paragraph (1).

SEC. 6. ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF SERVICEMEMBERS AND VETERANS.

(a) IN GENERAL.—Title 9, United States Code, is amended by adding at the end the following:

“CHAPTER 4—ARBITRATION OF SERVICE-MEMBER AND VETERAN DISPUTES

“Sec.

“401. Definitions.

“402. No validity or enforceability.

“§ 401. Definitions

“In this chapter:

“(1) **PREDISPUTE ARBITRATION AGREEMENT.**—The term ‘predispute arbitration agreement’ means an agreement to arbitrate a dispute that has not yet arisen at the time of the making of the agreement.

“(2) **PREDISPUTE JOINT-ACTION WAIVER.**—The term ‘predispute joint-action waiver’ means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

“§ 402. No validity or enforceability

“(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute relating to disputes arising under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

“(b) **APPLICABILITY.**—

“(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.

“(2) **COLLECTIVE BARGAINING AGREEMENTS.**—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) IN GENERAL.—Title 9, United States Code, is amended—

(A) in section 1 by striking “of seamen,” and all that follows through “interstate commerce” and inserting “persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)”; and

(B) in section 2 by inserting “or as otherwise provided in chapter 4” before the period at the end;

(C) in section 208—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”; and

(D) in section 307—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”

(2) **TABLE OF SECTIONS.**—

(A) **CHAPTER 2.**—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

“208. Application.”

(B) **CHAPTER 3.**—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Application.”

(3) **TABLE OF CHAPTERS.**—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

“4. Arbitration of servicemember and veteran disputes 401”.
SEC. 6. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) **AMENDMENTS.**—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(1) in the second sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end; and

(2) in the third sentence by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.

SEC. 6. APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall apply with respect to any dispute or claim that arises or accrues on or after the date of the enactment of this Act.

SA 4664. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 844. UNFUNDED SMALL BUSINESS INNOVATION RESEARCH PROJECTS.

(a) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on unfunded priorities of the Department of Defense related to high priority Small Business Innovation Research and Small Business Technology Transfer projects.

(b) **ELEMENTS.**—

(1) IN GENERAL.—Each report under subsection (a) shall include identification of not more than five unfunded priority projects, with information for each project covered by such report, including the following information:

(A) A summary description of such priority, including the objectives to be achieved if such priority were to be funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives identified under subparagraph (A).

(C) Account information with respect to such priority, including, as applicable, the following: